

TOWNSHIP OF BOSTON

COUNTY OF IONIA, MICHIGAN

ORDINANCE NO. 00-2

DISORDERLY CONDUCT ORDINANCE

AN ORDINANCE TO SECURE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITIZENS OF BOSTON TOWNSHIP BY THE REGULATION OF DISORDERLY CONDUCT AND OTHER SPECIFIED OFFENSES WITHIN THE TOWNSHIP AND TO PRESCRIBE PENALTIES FOR VIOLATIONS OF THE ORDINANCE

THE TOWNSHIP OF BOSTON ORDAINS:

Section 1. Ordinance Title. This Ordinance shall be known and may be cited as “The Boston Township Disorderly Conduct Ordinance.”

Section 2. General Provisions. The following general provisions shall apply in all prosecutions for offenses provided for in this Ordinance:

(a) “Persons” as used in this Ordinance means any natural person, partnership, association, corporation or institution.

(b) “Public Place” as used in this Ordinance means any street, highway, road, alley, park, parking lot, playground, cemetery, sidewalk, public building, vacant lot, place of assembly, any place of business open to the public or frequented by the public or any portion thereof, and any other place or portion thereof which is open to public view or to which the public has access.

(c) Any person who aids, abets, counsels, procures, commands or assists in the commission of any offense prohibited by this Ordinance shall be subject to punishment under this ordinance as a principal.

(d) “Township” as used in this Ordinance means the Township of Boston.

Section 3. Offenses Against Persons.

(a) No person shall commit an assault or battery upon another person.

(b) No person shall molest another person.

(c) No person shall willfully annoy another person.

(d) No person shall recklessly endanger the life, health or well-being of another person.

(e) No person shall willfully obstruct free or uninterrupted passage in any public place.

Section 4. *Property Offenses.*

(a) No person shall willfully enter upon the premises of another without lawful authority after having been forbidden so to do by the owner or occupant of such premises or by the agent or servant of such owner or occupant. No person being upon the premises of another without lawful authority shall fail to depart therefrom upon being notified to do so by the owner or occupant of such premises or by the agent or servant of such owner or occupant.

(b) No person shall prowl about the premises of any other person during hours of darkness without authority or the permission of the owner of such premises.

(c) No person shall lurk, lie in wait, or be concealed in any business, yard or other premises with intent to commit any crime or offense.

(d) No person shall willfully, wantonly or recklessly damage, destroy, alter or deface public property or the property of another person.

(e) No person shall take or remove, or attempt to take or remove, any property not belonging to that person.

(f) No person shall obtain, or attempt to obtain, goods or money by fraud, trick or under false pretenses.

(g) No person shall meddle with, tamper with, interfere with, move, damage, or disconnect any property not belonging to that person.

(h) No person shall destroy, damage or in any manner alter or deface any drinking fountain or public toilet or restroom, or deposit or throw any substance in any drinking fountain, or in any manner pollute the water in a drinking fountain.

(i) No person shall expectorate, urinate, defecate or perform any other act which creates a hazardous or deleterious condition in any public place or upon the property of any other person. This subsection shall not apply to public restroom facilities when used in their intended manner.

(j) No person shall affix, paste or otherwise attach to any vehicle owned by another person any notice, poster, leaflet, sheet of paper or any other item or device which interferes with the vision of the driver or causes, or tends to cause, damage to the vehicle. This subsection shall not apply to parking violation notices placed on motor vehicles by duly authorized representatives of the Township or by law enforcement officers when acting in the course of their official duties.

(k) No person shall dump, deposit or place any filth, garbage, refuse, or waste material on the property of another person, whether public property or private property, without the specific permission of the owner of that property.

Section 5. *Substance Offenses.*

(a) No person shall be in a state of intoxication in a public place so as to directly endanger the safety of another person or property.

(b) No person shall be in a state of intoxication in any public place in a manner that causes a public disturbance.

(c) No person shall intentionally ingest, inhale the fumes of, or otherwise introduce into that person's body, any chemical agent or substance, releasing toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses. No person shall possess, buy or use any such chemical agent or substance for the purpose of violation of this subsection, or for the purpose of aiding or abetting another person to violate this subsection. This subsection shall not prohibit the inhalation of any anesthesia for medical or dental purposes.

(d) No person shall be under the influence in any public place of any exhilarating or stupefying chemical agent or substance (or combination thereof) so as to directly endanger the safety of another person or property or in a manner that causes a public disturbance.

Section 6. *Offenses Against Government Order.*

(a) No person shall hinder, oppose, obstruct or resist any law enforcement officer or any authorized representative of the Township in the performance of official duties.

(b) No person shall knowingly furnish to any law enforcement officer or any authorized representative of the Township a false name, address, age or date of birth in connection with the investigation of the commission of any violation of this Ordinance or any other local, state or federal law.

(c) No person shall knowingly make or furnish to any law enforcement officer or any authorized representative of the Township, while the officer or representative is acting in an official capacity, a false or fictitious report of the purported commission of any violation of this Ordinance or of any other local, state or federal law.

(d) No person shall escape or attempt to escape while lawfully confined by or in the custody of any law enforcement officer.

(e) No person shall leave or attempt to leave any particular area while operating a motor vehicle which has been stopped in response to a law enforcement officer's signal, unless and until the person has given proper identification to the officer and has been given permission to leave by the officer.

(f) No person shall impersonate, attempt to impersonate, or falsely pretend or represent to be a law enforcement officer or representative of the Township.

(g) No person shall conceal knowledge of the actual commission of a violation of this Ordinance or any other local, state or federal law from a court or from a law enforcement officer investigating the violation. This subsection shall not be interpreted to conflict with the right of any person to not be a witness against oneself.

(h) No person shall willfully fail to obey the command to stop or halt from any law enforcement officer who gives or offers to give proper identification as a law enforcement officer.

(i) No person shall willfully fail to obey the command of any law enforcement officer or any authorized representative of the Township to leave a public place.

Section 7. *Miscellaneous Offenses.*

(a) No person shall engage in peeping in the windows of any inhabited place.

(b) No person shall make an indecent exposure of the person's body in a public place.

(c) No person shall knowingly or intentionally display in a public place, whether or not for payment or promise of payment, any individual's genital or anus with less than a fully opaque covering.

(d) No person shall engage in fortune telling or pretend to tell fortunes for hire, gain or reward.

(e) No person shall knowingly engage in or advertise any business which offers as its principal activity the providing of nude models for artists or photographers.

(f) No person shall fire or shoot any air gun, spring gun, bow and arrow, slingshot or other dangerous weapon or instrument in any place, public or not, in such a manner as to endanger or be likely to endanger any person or property.

(g) No person shall have or carry any pistol, knife, knuckles, slingshot or other dangerous weapon concealed upon the person's person, unless otherwise authorized by law.

(h) No person shall wrongfully throw or propel any snowball, missile or other object toward any person, vehicle, motorcycle, bicycle or train.

Section 8. Breach of Peace Offenses.

(a) No person shall create or engage in any disturbance, fight or quarrel in a public place.

(b) No person shall create or engage in any disturbance, fight or quarrel that causes or tends to cause a breach of the peace.

(c) No person shall disturb the public peace and quiet by loud or boisterous conduct whether initiated by individual's voices or actions or amplified devices or any other noise producing device.

(d) No person shall disturb without lawfully authority any lawful assembly or meeting of persons.

(e) No person shall engage in, participate in or attempt to engage in or participate in a riot.

(f) No person shall incite, cause or attempt to incite or cause a riot.

(g) No person shall utter profane, obscene or injurious language directed at or in the presence of another person, which language causes or would tend to cause an immediate breach of the peace.

(h) No person shall yell, shout, hoot, whistle, or otherwise create a noise or racket in a public place or from private property in such a way as to cause or tend to cause a breach of the pace.

(i) No person shall keep any animal or bird which, by causing frequent or long continued noise, causes or tends to cause a breach of the peace.

Section 9. Vice Offenses.

(a) No person shall engage in any act of prostitution.

(b) No person shall knowingly attend, frequent, operate or be an occupant or resident of any place where prostitution, illegal gambling, the illegal sale of intoxicating liquor, or any other illegal business or occupation is permitted or conducted.

(c) No person shall engage in illegal gambling, the illegal sale of intoxicating liquor or any other illegal business or occupation.

(d) No person shall solicit or accost any person for the purpose of inducing the commission of any illegal act.

(e) No person shall transport any person to a place where the transporting person knows prostitution, illegal gambling or any other illegal activity is practiced,

encouraged or allowed, for the purpose of enabling the person transported to engage in such illegal activity.

(f) No person shall keep or maintain a gaming room, gaming tables or any pool tickets or other devices used for illegal gambling, or knowingly suffer or allow a gaming room, gaming tables or any pool tickets or other devices used for illegal gambling to be kept, maintained, played or sold on any premises occupied or controlled by the person.

(g) No person shall knowingly attend, loiter about, frequent or remain in or upon any building, house, vacant lot, street, curb, lawn, parkway, alley, yard, apartment, store automobile, boat, boathouse, or other place of any description whatsoever where any illegal controlled substance or any drug paraphernalia is sold, dispensed, furnished, given away or stored.

As used in this subsection, controlled substance shall be defined as provided for in the Controlled Substance Act of the State of Michigan, MCL 333.71011 *et seq.*, as amended.

This subsection shall not apply to persons licensed or permitted by the State of Michigan to engage in the activity otherwise prohibited herein nor to any person lawfully possessing a controlled substance pursuant to a prescription written by a person authorized to write prescriptions under state or federal law. The application of the exception provided by this paragraph shall constitute an affirmative defense which must be raised by the accused.

(h) No person shall knowingly or intentionally display in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genital or anus with less than a fully opaque covering, or a female's individual breast with less than a fully opaque covering of the nipple and areola. This subsection shall not apply to any of the following:

1. A woman's breast feeding of a baby whether or not the nipple or areola is exposed, during or incidental to the feeding.

2. Material as defined in section 2 of Act No. 343 of the Public Acts of Michigan of 1984, being section 752.362 of the Michigan Compiled Laws.

3. Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

No person shall establish or operate any establishment which advertises or in fact engages in the exposing of genitals or other sexually explicit areas of the body, or which engages in acts which consist of touching the genitals or other sexually related portion of the body of another person or animal for the purpose of entertainment or arousal.

Section 10. *Resort Offenses.*

(a) No person shall permit or allow any premises owned, occupied or controlled by the person to be used or occupied by persons engaging in any act of prostitution or any other illegal sexual activity.

(b) No person shall permit or allow any premises owned, occupied or controlled by the person to be used or occupied by noisy, boisterous or disorderly persons.

(c) No person shall permit or allow any loud or boisterous noise, or any fight, quarrel, or disturbance on any premises owned, occupied or controlled by the person.

Section 11. *Violation and Penalty.* Any person who shall violate, disobey or fail, neglect or refuse to comply with any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500.00 or imprisonment for not more than 90 days, or by both such fine and imprisonment. Each day that a violation continues shall be deemed a separate and distinct violation.

Section 12. *Severability.* This Ordinance and the various parts, sections, paragraphs, subsections, sentences, phrases and clauses thereof are severable. If any part, section, paragraph, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 13. *Repeal.* All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any provision of this Ordinance are repealed, but only to the extent of such conflict.

Section 14. *Effective Date.* This Ordinance was approved and adopted by the Township Board on March 8, 2000. This Ordinance shall take effect 30 days after publication in a newspaper circulating within the Township.

Robert Dunton
Township Supervisor

Carolyn Longwell
Township Clerk